

D/F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
PABLO RODRIGUEZ,

Plaintiff,

-against-

GERMAN RIVERA,

Defendant.
-----X

GARAUFIS, United States District Judge:

**ORDER
AND
CIVIL JUDGMENT
09-CV-3607 (NGG)**

Plaintiff Pablo Rodriguez, who is currently incarcerated at Rikers Island, filed this pro se civil rights action on August 11, 2009. (See Compl. (Docket Entry #1).) By Order dated September 10, 2009, the court granted Plaintiff's request to proceed in forma pauperis and granted leave to file an amended complaint within 30 days. (See Memorandum & Order (Docket Entry # 4).) More than 30 days have elapsed and Plaintiff has not filed an amended complaint.

The Complaint alleged a deprivation of Plaintiff's constitutional rights by Defendant German Rivera. However, the Complaint failed to allege that Rivera was a person acting under color of state law who could be liable for civil rights violations under 42 U.S.C. § 1983. In light of Plaintiff's pro se status, the court granted him 30 days to amend the Complaint to state a basis for this court's jurisdiction over his claims. As plaintiff has failed to amend the Complaint or provide any basis for relief, the Complaint must be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B).

In light of the foregoing, it is hereby **ORDERED, ADJUDGED AND DECREED** that the case is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and

therefore in forma pauperis status is denied for purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
October 21, 2009

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge